

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

KAREN MARIE FOSTER,

Plaintiff,

v.

Civil Action No. 4:24-cv-00051-TTC-CKM

DIGITAL SAFETY PRODUCTS, LLC,

Defendant.

APPLICATION FOR ENTRY OF DEFAULT

Pursuant to Fed. R. Civ. P. 55(a), Plaintiff, Karen Foster, applies to the Clerk of Court for the entry of a default against Defendant Digital Safety Products, LLC for failure to plead, or otherwise defend, the following claims: three violations of the Fair Credit Reporting Act for publishing a consumer report to a third party without a permissible purpose to do so, failure to follow reasonable procedures in publishing an inaccurate consumer report to a third party, failure to conduct a reasonable reinvestigation of a consumer's dispute of inaccurate information; or, in the alternative, Defamation Per Se for publication of inaccurate criminal records to a third party, and Intentional Infliction of Emotional Distress or Negligent Infliction of Emotional Distress.

In support thereof, Plaintiff relies upon the record demonstrating that the Plaintiff filed this action on December 18, 2024. ECF 1. The Defendant was personally served at its registered agent, California Corporate Agents, Inc., 2108 N. St., Suite C, Sacramento, CA 95816, on December 27, 2024. ECF 3. More than 21 days have passed since the Defendant was required to Answer or otherwise plead to the Complaint. The Answer or responsive pleading was due on January 17, 2025, but as of the date of this application, the Defendant has failed to file any response. Rotkis Declaration, filed as Ex. 1 herewith.

WHEREFORE, Plaintiff moves the Clerk of Court for the entry of a default against Defendant Digital Safety Products, LLC.

Upon entry of default as to Defendant Digital Safety Products, LLC, Plaintiff, by counsel, will apply to the Court for a default judgment under Federal Rule of Civil Procedure 55(b)(2).

Respectfully submitted,

KAREN MARIE FOSTER

/s/

Susan M. Rotkis, VSB 40693
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Attorneys for Plaintiff Karen Marie Foster

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to all attorneys of record in this matter. Since no appearance has been made by Defendant or its attorneys, I have served hard copies of the foregoing via FedEx to the Defendant's registered agent: California Corporate Agents, Inc., 2108 N. St., Suite C, Sacramento, CA 95816.

/s/

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